IN THE HIGH COURT OF UTTARANHAL AT NAINITAL

Court No. 2

Writ petition No. 1528 (M/S) of 2001
(Old No. 35023 of 1999)

State of U.P. through Additional
Director, State Engineers Academy,
Kalagarh ..... Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another ..... Respondents

.....

Hon'ble P.C.Verma,J.

Heard learned Standing Counsel as well as learned counsel for respondent No.2.

The case of the respondent No. 2 is that he worked as Chowkidar/Beldar with the employer establishment on daily wages but on 30.12.1992 his services were terminated without giving prior notice to him, and without complying the provisions of Section 6 N of U.P. Industrial Disputes Act, on the ground that the engagement of workman on muster-roll has been stopped.

The Labour Court held that the termination of workman was illegal and improper and directed the petitioner to reinstate the respondent No. 2 in service in view of Government Order dated 24.2.1997.

The controversy is squarely covered by the judgment of this Court in **Civil Misc. Writ Petition No. 1530 (M/S) of 2001, State of U.P. versus Presiding Officer, Labour Court and another delivered on 24.10.2002,** in which the establishment has been held to be an **'Industry'** and the respondents have been held to be workmen. Therefore, the judgment of Labour Court does not suffer from any illegality or infirmity.

Accordingly, the writ petition is dismissed. No order as to costs.

(P.C. Verma, J.)

23.08.2003
P.Singh